

**PROTECTION AND ADVOCACY VOTING ACCESS ANNUAL REPORT**

**DATE SUBMITTED:** November 20, 2009

**OMB NUMBER:** 0970-0326

**STATE/TERRITORY:** Indiana

**NAME OF PROTECTION AND ADVOCACY AGENCY:**  
Indiana Protection and Advocacy Services Commission

**FISCAL YEAR:** 2009 (*October 1, 2008 – September 30, 2009*)

**FISCAL YEAR AWARD AMOUNT:** \$70,000.00

**REPORT SUBMITTED BY:** David R. Smith, PAVA Program Coordinator

**CONTACT INFORMATION:** (317) 722-5555, ext. 247      [drsmith@ipas.in.gov](mailto:drsmith@ipas.in.gov)  
(Telephone Number)                      (e-mail address)

**Area 1**

- ❖ To ensure full participation in the electoral process for individuals with disabilities
  - Activities may include, but not limited to registering to vote, casting a vote, and accessing polling places.

***Goal/Activity outlined in the FY2009 plan (application):***

Description of activities performed and completed	Number of individuals served	Description of types of outreach and education	Description of Activities NOT completed and the barriers and/or reasons	Total amount of HAVA funding expended on activities in Area 1	Description of activities in Area 1 that displayed innovation which can be shared as “Best Practices” with other State P&A’s
<p>IPAS continued its voting outreach project which was initiated in the summer of 2008, and continued it throughout the voting season. The project resulted in outreach efforts and dissemination of the new IPAS “Voting Guide” and “PAVA Brochure” to several thousand individuals. These materials and outreach services were made available up to and through Election Day, November 4, 2008. It is IPAS’ intent to continue to make all of these services available to individuals or groups that request them throughout 2009, even though the next scheduled election in Indiana will not take place until May 2010. It is anticipated that toward the end of 2009 and the beginning of 2010, when another election cycle begins, IPAS will again aggressively promote its available voting materials and outreach services within the disability community.</p> <p>IPAS, through its contracted, public information firm, Hirons &amp; Company, initiated contact with several of the largest circulation newspapers in the State, and approached them with the idea of their publishing a small information block in the “Election Information” section of their newspapers on or before Election Day. The block/article identified the existence of the</p>		<p>Education and empowerment.</p> <p>Dissemination of information.</p>		\$4,626.00	

<p>HAVA grievance process for those who believed they had been denied the appropriate accommodations or opportunity to vote. The article also provided contact information for the Indiana Secretary of State's HAVA Office, which oversees the grievance process, and IPAS as a resource for information and/or assistance with the voting and grievance processes. Hirons reported that they forwarded this proposal to five Indiana newspapers: The Indianapolis Star; Evansville Courier Press; The Journal Gazette; Northwest Times; and the South Bend Tribune. Hirons further reported that while all of the newspapers showed interest in the proposal, they were unable to verify that any of the papers had actually run an article that included the information contained in the proposal.</p> <p>IPAS received the results of the 2008 Indiana Disability Poll which was conducted by the Indiana Institute on Disability and Community (IIDC), as a joint project with IPAS, IIDC and the Governor's Planning Council (GPC). The results of the poll indicated that barriers to voting for people with disabilities still exists, and that nearly half of the participants were unaware of the HAVA laws and the availability of the grievance process.</p> <p>IPAS disseminated a press release on October 28, 2008, entitled "Voters' Rights Violated, Polls Inaccessible to Individuals with Disabilities". The purpose of the release was to disclose the results of the survey and highlight the issues with voting rights and information that continue to be a problem for individuals in the disability community.</p>		<p>Identifying and eliminating obstacles to voting access.</p>			
--	--	--	--	--	--

<p>On the basis of the survey results, IPAS sent a letter to Indiana Secretary of State (SOS), Todd Rokita, on October 14, 2008, to bring these findings to his attention. The Secretary of State's HAVA Office oversees the "Help America Vote Act" program in Indiana, and manages the HAVA grievance process through its Election Commission. This contact continues a dialogue that IPAS and the Secretary of State's Office has built and maintained through the years, and further discussions as to these issues are anticipated.</p> <p>IPAS' PAVA Coordinator initiated contact with the Indiana Secretary of State's (SOS) new Help America Vote Act (HAVA) coordinator, Joe McLain. Initial conversations have occurred covering IPAS' and the SOS' history of communication and collaboration during the previous period when Julia Bauler was HAVA Coordinator. Future discussions involving broader dissemination of information regarding HAVA rights and the grievance process to the disability community are anticipated.</p> <p>The PAVA Coordinator started the process of preparing for the 2010 election season and IPAS' future outreach efforts by contacting all agency personnel requesting their input and suggestions regarding ways to improve the spread of information, and the outreach program in general. Two (2) proposals under consideration at this time are to expand the time period for getting materials out to facilities and the disability community to the months preceding our actual on-site outreach efforts, and that IPAS may consider targeting certain facilities for outreach by the</p>		<p>Dissemination of information.</p>			
--	--	--------------------------------------	--	--	--

<p>Advocates in the regions where the facilities are located.</p> <p>Indiana Protection and Advocacy's (IPAS) Coordinator for the Protection and Advocacy for Voting Access (PAVA) program continued to attend the Vote Indiana Team (VIT) meetings being conducted by the Indiana Secretary of State in his capacity as the recipient of Help America Vote Act (HAVA) funding and as the HAVA oversight agency for Indiana. VIT meetings were held on the 3<sup>rd</sup>, 17<sup>th</sup> and 24<sup>th</sup> of April, at which meetings further proposed amendments to the State's HAVA plan were discussed and a variety of measures were voted on. One measure, which was strongly supported by IPAS, allotted funding to the printing of fliers with information about the HAVA grievance process, which will be distributed to the County Clerks to be made available at polling places on election days. The VIT meetings were suspended in April to await the passage of a budget by the Indiana Legislature, which will provide the committee with exact numbers as to the amount of funding allocated to HAVA and election related issues and needs. There will be one or two more meetings scheduled now that the Legislature passed a budget on June 30<sup>th</sup>, to review and discuss the final proposals for use of Federal HAVA funding.</p> <p>A new mailing insert contemplated for use in outgoing IPAS correspondence was developed. The new insert features information about the HAVA grievance process and IPAS' availability to assist individuals with the process on one side, and the availability of IPAS' Advocates for</p>		<p>Education and empowerment about voting access.</p>			
---	--	---	--	--	--

<p>assistance with several other aspects of the voting, identification and registration processes on the other. IPAS is awaiting receipt of a refined, formatted version of the insert from Hirons, at which time decisions will be made about the number to be ordered and all possible applications of the insert.</p> <p>A new outreach program was initiated during the 4<sup>th</sup> quarter of 2009, which involves contact and outreach efforts with the staff and residents of Intermediate Care Facilities in the form of Miller's Merry Manor nursing homes. During the quarter a total of ten (10) facilities were contacted, in the course of which information and materials as to voting, registration, the grievance process, and many other topics, was provided to the staff and residents. This program is expected to continue into 2009-10.</p> <p>IPAS' existing pre-election voting outreach program is being amended as of the elections in 2010 to increase IPAS' role and contact with the disability community in the upcoming pre-election periods. The voting outreach program will now consist of two (2) parts prior to each election. The first part will involve the distribution of materials in the months of January and February for May, and July and August for the November election. The second part will involve on-site outreach and speaking engagements, and will be conducted in the months of March and April for May, and September and October for the November election. The goals of this expanded effort continue to be the provision of information and education about voting related issues and requirements to IPAS' constituents; empowering people to be able</p>		<p>Education and empowerment.</p>			
---	--	-----------------------------------	--	--	--

<p>to participate in the election process; and to promote awareness of the HAVA grievance process for those who encounter barriers to voting.</p> <p>The issue as to the State law regarding mentally ill individuals committed to mental health facilities and the restrictions as to their registration address was brought to the attention of the Indiana Secretary of State's "Vote Indiana Team" and its legislative members in attendance.</p> <p>The PAVA Coordinator raised several areas of concern regarding voting access, including the barrier posed by Indiana State law in the form of Indiana Code 3-5-5-17. This law prevents individuals committed to mental institutions by a Court on the basis of a mental illness from using the address of the institution for voting registration purposes. A point was made that the law had no known or obvious value as to protection of the voting process, but very definitely had the potential to be a barrier to voting for individuals with mental illness.</p> <p>Representative Kreg Battles approached the PAVA Coordinator after the conclusion of public remarks, provided his business card and other contact information, and stated an interest in discussing the issue further.</p> <p>At the Representative's request, an e-mail was sent to him in which the particulars of this issue and IPAS' concerns were once again stated, and which offered the Representative any and all assistance, information, etc. that IPAS could provide to him on disability rights issues. The PAVA Coordinator has yet to receive a response</p>		<p>Eliminating obstacles to voting for individuals with disabilities</p> <p>Access to the voting process.</p>			
--	--	---	--	--	--

from the Representative.					
<b><u>Area 2</u></b> ❖ To provide education, training and assistance to individuals with disabilities that will promote their participation in the electoral process. <ul style="list-style-type: none"> <li>○ Activities may include, but not limited to education regarding voter registration, providing individuals with disabilities regarding their legal rights that pertain to voting, and providing assistance to individuals with disabilities in accessing the polls on Election Day.</li> </ul>					
<b><i>Goal/Activity outlined in the FY2009 plan (application):</i></b>					
<b>Description of activities performed and completed</b>	<b>Number of individuals served</b>	<b>Description of types of outreach and education</b>	<b>Description of Activities NOT completed and the barriers and/or reasons</b>	<b>Total amount of HAVA funding expended on activities in Area 2</b>	<b>Description of activities in Area 2 that displayed innovation which can be shared as “Best Practices” with other State P&amp;A’s</b>
Total number of individuals contacted by IPAS through speaking engagements by IPAS Staff during Fiscal year 2009.	2,706	Information dissemination.		\$7,626.00	
Total number of people estimated to have received some form of voting information as a result of IPAS’ efforts through the media and by the number of contacts through IPAS’ website.	64,633	Information dissemination.			
Total number of publications involving voting information distributed by IPAS during Fiscal Year 2009.	5,072	Information dissemination.			
Total number of “Information and Referral” cases opened and handled by IPAS during Fiscal Year 2009.	16	Voting Enablement			
IPAS continued its outreach program which was started during the 2008 Fiscal Year and continued into 2009, and also continued to respond to all requests for training and assistance as to the voting process and the HAVA grievance process.		Education and information as to voting rights and requirements.			



**Area 3**

- ❖ Participate in advocacy and education efforts revolving around HAVA implementation efforts in their State or Territory.
  - Activities may include, but not limited to participation on HAVA State Planning Committee, subcommittee or coalition efforts regarding the State Plan, and review, advocacy, and education concerning the enactment of HAVA State Legislation.

***Goal/Activity outlined in the FY2009 plan (application):***

Description of activities performed and completed	Number of individuals served	Description of types of outreach and education	Description of Activities NOT completed and the barriers and/or reasons	Total amount of HAVA funding expended on activities in Area 3	Description of activities in Area 3 that displayed innovation which can be shared as “Best Practices” with other State P&A’s
<p>IPAS continues a good working relationship with the Indiana Secretary of State’s HAVA Administration Office, through which new initiatives are being planned for the training of County Election staff as to disability rights and issues. This can be found in more detail in “Area 4”.</p> <p>IPAS continues to respond to all requests for information and materials regarding HAVA and the grievance process. IPAS noted a sharp decline in voting inquiries and interest following the November 2008 General Election.</p>		Education of public officials.		\$1,342.00	

**Area 4**

- ❖ Training and education of election officials, poll workers, and election volunteers regarding the rights of the voters with disabilities and best practices in working with individuals with disabilities.
  - Activities may include, but not limited to providing training and participating in the development of training education programs for election officials and poll workers.

***Goal/Activity outlined in the FY2009 plan (application):***

Description of activities performed and completed	Number of individuals served	Description of types of outreach and education	Description of Activities NOT completed and the barriers and/or reasons	Total amount of HAVA funding expended on activities in Area 4	Description of activities in Area 4 that displayed innovation which can be shared as "Best Practices" with other State P&A's
<p>IPAS' PAVA Coordinator attended the first "Vote Indiana Team" (VIT) meeting held on March 27<sup>th</sup>, 2009. The VIT has been convened by Indiana Secretary of State, Todd Rokita, to consider possible amendments to the State's HAVA plan, which plan is mandated by Federal law when a state receives Federal HAVA monies. The VIT is a committee consisting of approximately twenty (20) members including Secretary of State Rokita, four (4) Indiana Legislators, several county Clerks and other politically affiliated or interested individuals. Many issues were stated to be of interest in the course of the meeting, including discussion of vote centers, HAVA funding for counties, review of existing election forms for possible simplification, and several other issues. At least four (4) more meetings are scheduled to be held by the VIT in April and May. The PAVA Coordinator anticipates attending as many of these as scheduling allows.</p> <p>At the conclusion of the agenda, the public was offered the opportunity to ask questions or provide commentary and/or opinions. The PAVA Coordinator used the opportunity to address several areas of confusion or concern. An issue had been raised by the first public speaker about parking accessibility at schools used as polling sites, which confused the Clerks as schools generally provide disability access accommodations. IPAS' PAVA Coordinator pointed out that disability parking is planned in conjunction with the</p>		Education of election officials.		\$1,342.00	

<p>primary function of the facility, and often the once or twice yearly voting function is placed in a part of the building to reduce interference with normal activities. However, from comments IPAS has received, the accessible parking is often not close to the entrance for the voting site.</p> <p>IPAS strongly supported the suggestion of Secretary Rokita at the outset of the meeting to amend the grievance process to provide more defined responses in less time to those filing grievances under Indiana's HAVA grievance process. IPAS also commented, based on the budgetary and expenditure numbers provided at the meeting, that if additional funds are available, there needed to be greater efforts to educate and enlighten the disability community as to the existence of HAVA, and the rights and grievance process it provides. In support of this position, reference was made to the poll conducted by the Indiana Institute on Disability and Community, which was done in cooperation with IPAS and the Governor's Planning Council. The polls' results, which were released to the public in October 2008, indicated a substantial lack of awareness as to HAVA and the grievance process by individuals with disabilities.</p> <p>In the course of the Indiana Secretary of State's (SOS) Vote Indiana Team (VIT) meetings, IPAS' PAVA Coordinator had preliminary discussions with the SOS's Help America Vote Act (HAVA) Outreach Coordinator, Jeremy Burton, about the possibility of IPAS Advocates attending his training sessions for County Clerks' staff and presenting information about access to the</p>					
--	--	--	--	--	--

<p>voting process for individuals with disabilities and disability rights under HAVA. He was very interested in the proposal, and further discussions will ensue. IPAS' involvement can provide for a more directed and complete presentation as to the issues involved with the voting process and people with disabilities.</p> <p>The SOS's HAVA Administrator, Joe McLain, requested and was provided a number of Americans with Disabilities (ADA) measuring sticks, which are used in determining the compliance of voting venues/facilities with the required allowances for accessibility.</p> <p>IPAS has continued discussions with the Indiana Secretary of State's (SOS) HAVA Coordinator and Training and Outreach Coordinator towards the creation of a collaborative effort in which IPAS would provide materials and presentations to the staff of the County Clerks' offices who attend meetings of the Indiana State Clerks Association or meetings arranged by the SOS's HAVA Training Coordinator for its "Train-the-Trainer" sessions. IPAS would speak on a number of topics related to voting and individuals with disabilities, including: etiquette and interaction; allowable accommodations; physical access requirements; the grievance process; provisional balloting; and the availability of IPAS as a resource for referral when they reach an impasse as to the issue with the voter. Materials will be assembled through the collective efforts of IPAS and will be made available to attendees of functions at which IPAS speak.</p>					<p>Through this collaborative initiative with the Indiana Secretary of State's Office (SOS), who provides training to those who train County Election staff, IPAS should be able to provide significant information on voting and disability related issues directly to those who will either have contact with disabled voters on election days or will train those who will have such contact. This collaboration will begin with the "Train-the-Trainer" meetings</p>
---	--	--	--	--	--

<p>At the end of Fiscal Year 2009, the SOS HAVA Training Coordinator notified IPAS that the SOS's office is agreeable to moving forward with this collaborative effort. The SOS office's sole request is that it be allowed to review the materials that IPAS proposes to distribute at these training sessions, so that if there are any concerns, those concerns can be addressed in advance of the trainings. Work toward finalizing an outline and supporting materials for this initiative will be completed before the end of the calendar year.</p>					<p>held by the Indiana Clerks Association in advance of the May and November 2010 elections.</p>
<p><b><u>Area 5</u></b></p> <ul style="list-style-type: none"> <li>❖ To assist individuals with disabilities in filing complaints under the State-based administrative grievance procedure required by HAA and represent individuals with disabilities in any hearing that may be held regarding the complaint.</li> </ul> <p><b><i>Goal/Activity outlined in the FY2009 plan (application):</i></b></p>					

Description of activities performed and completed	Number of individuals served	Description of types of outreach and education	Description of Activities NOT completed and the barriers and/or reasons	Total amount of HAVA funding expended on activities in Area 5	Description of activities in Area 5 that displayed innovation which can be shared as "Best Practices" with other State P&A's
<p>Total number of cases regarding accessibility, voter registration and other related issues opened and handled by IPAS during Fiscal Year 2009.</p> <p>The IPAS office was staffed with an advocate and an attorney throughout the entire time that the polls were open on Election Day, November 4, 2008. Several calls requesting information and referral were received by the staff, and were appropriately addressed. Among the issues raised by callers was the appropriate location of accessible parking and questions about voting identification laws and how to obtain appropriate identification necessary to vote.</p> <p>IPAS Staff received several requests for information and referral on general Election Day, November 4, 2008. One of the calls received was from an individual who questioned the location of accessible parking for a polling place located at a public school in Marion County. The school had accessible parking for the disabled, however, the accessible parking was located on a side on the building that was not proximate or near to the entrance designated for entry to the polling place. The caller believed that the poll staff had been provided with materials to establish an accessible parking zone, but the facilities security personnel would not actively assist in creating a new parking zone</p>	19	<p>Informational assistance.</p> <p>Provision of voter information and elimination of obstacles to voting.</p> <p>Referral to the appropriate agency/official.</p>		\$2,368.00	

<p>without specific direction from his employer.</p> <p>It was recommended to the caller to speak to the principal of the school/polling site to request his cooperation in setting up a new zone. The caller was also given the numbers to Offices of Marion County Election Clerk, Beth White, and to the Indiana Secretary of State's "Help America Vote Act" (HAVA) office to inquire about filing a grievance through the HAVA grievance process, although it was unclear if the circumstances rose to a level of denial of an appropriate and required accommodation. The IPAS PAVA Coordinator will make contact with the Indiana Secretary of State's HAVA Coordinator during 2009 to discuss this issue insofar as current training of election officials and staff, and whether additional, new criteria as to accessible parking and its proximity to the voting entrance needs to be considered in evaluating potential polling sites.</p> <p>IPAS was contacted for assistance with pursuing a grievance through the Indiana Secretary of State's (SOS) "Help America Vote Act" (HAVA) grievance process by an individual with a disability who believes that the State of Indiana and its County election officials are failing to meet the standards established by HAVA for receipt of HAVA funding. The allegation involves the failure of election officials to make electronic voting machines, built and programmed to provide disability accommodations, available to the public during the absentee voting period preceding the election. The individual has already filed an appropriate grievance with the SOS, and IPAS' role is to assist the Client</p>	1	Individual assistance.			
--	---	------------------------	--	--	--

in following the HAVA grievance process to its conclusion.					
--	--	--	--	--	--

### **Area 6**

- ❖ To provide assistance to States and other governmental entities regarding the physical accessibility of polling places.
  - Activities may include, but not limited to surveying polling places, identifying potential modifications to make specific polling places accessible, and developing criteria for identifying accessible polling places.

#### ***Goal/Activity outlined in the FY2009 plan (application):***

Description of activities performed and completed	Number of individuals served	Description of types of outreach and education	Description of Activities NOT completed and the barriers and/or reasons	Total amount of HAVA funding expended on activities in Area 6	Description of activities in Area 6 that displayed innovation which can be shared as “Best Practices” with other State P&A’s
A request was received from the Greene County Voter Registration Clerk for detailed clarification of the Help America Vote Act (HAVA) access compliance standards. The individual was referred to the Indiana Secretary of State’s HAVA Administrator, Joe McLain, for provision of the detailed standards for physical accessibility found under the Americans With Disabilities Administrative Guidelines.		Education/referral of public officials.		\$2,684.00	

### **Area 7**

- ❖ To obtain training and technical assistance on voting issues, including education regarding accessible voting equipment and systems. Once educated, the information may be used to inform others of the availability of accessible voting equipment and its use.

#### ***Goal/Activity outlined in the FY2009 plan (application):***

Description of activities performed and completed	Number of individuals served	Description of types of outreach and education	Description of Activities NOT completed and the barriers and/or reasons	Total amount of HAVA funding expended on activities in Area 7	Description of activities in Area 7 that displayed innovation which can be shared as “Best Practices” with other State P&A’s



<p>IPAS' PAVA Coordinator participated in two (2) voting related conference calls during this quarter. The first call, which was organized by the National Disability Rights Network (NDRN), took place on July 8<sup>th</sup> and involved a group discussion on the "Voluntary Voting System Guideline" laws and regulations. The discussion focused on identification of and possible solutions to shortcomings in the guidelines.</p> <p>The second conference call, also organized by NDRN, took place on August 12<sup>th</sup> and involved review of NDRN's proposed response to a report and recommendations involving HAVA funds and funding issued by the Government Accounting Office in Washington, D.C. The response by NDRN focused on the particular uses of HAVA funding, and the need for more HAVA funding in order to further promote the ability of individuals with disabilities to participate in the voting process.</p> <p>IPAS' PAVA Coordinator participated in a teleconference on May 13<sup>th</sup>, which was organized by the National Disability Rights Network (NDRN) and featured Robert Meek as the speaker. Mr. Meek spoke about the result of litigation between the United States Department of Justice and the City of Philadelphia (Pennsylvania), which litigation involved numerous claims against the City involving failure to meet ADA/HAVA accessibility standards in regard to voting place access. The result of the litigation was an extensive judgment and guidelines as to appropriate accommodations in the voting process for individuals with disabilities.</p>		<p>Staff training and education.</p>		<p>\$1,342.00</p>	
--	--	--------------------------------------	--	-------------------	--

<p>IPAS' Executive Director and PAVA Coordinator attended a meeting on May 7th held by the American Association of People with Disabilities (AAPD), and moderated by Jim Dickson of the Washington D.C. branch of the AAPD. The purpose of the meeting was to introduce the concept of creating a cumulative lobbying organization made up of disability rights and service organizations, with membership dues and majority rule of the agenda and direction of the organization. IPAS' Executive Director has indicated that IPAS will monitor the formation and growth of this new organization. IPAS has made no commitment to this initiative at this time.</p>					
<p><b>Citizen feedback regarding the improvements and/or changes to ensure full participation in the electoral process.</b></p>					
<p><b>Funding carried over from previous fiscal years –</b></p> <p>FY 2005 - \$ 0  FY 2006- \$ 0  FY 2007 - \$ 35,922.00  FY 2008 - \$ 65,223.00  FY 2009- \$64,417.00</p>					
<p><b>Explanation of spending trend (use of funds and/or lack of funds used <i>particularly any FY2004 funds sent back to treasury</i> )</b></p> <p><b>The total expended during Fiscal Year 2009 from all sources related to the Protection and Advocacy for Voting Access (PAVA) program was \$26,844.00. Of that total, \$5,514.00, which does not appear in the amounts listed in the seven (7) sections above, was expended for administrative costs proportionally shared by all of the grants. The total expenditures for FY 2009 decreased, in part, due to the lack of any elections during the majority of the fiscal year and as well as a corresponding reduction in outreach requests and services following the conclusion of the November 2008 General Election.</b></p>					

